

ORIGINAL



0000074312

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Attorneys for Desert Hills Water Co., Inc.

RECEIVED

2007 JUN 28 P 4:07

AZ CORP COMMISSION
DOCKET CONTROL

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF APPLICATION
OF DESERT HILLS WATER
COMPANY FOR APPROVAL OF
TRANSFER OF ITS UTILITY
ASSETS TO THE TOWN OF CAVE
CREEK, PURSUANT TO A.R.S. § 40-
285 AND FOR CANCELLATION OF
ITS CC&N

DOCKET NO: W-02124A-06-0717

Arizona Corporation Commission
CERTIFICATE OF CARRIE DYREK
DOCKETED

JUN 28 2007

DOCKETED BY

I, Carrie Dyrek, Town Clerk of the Town of Cave Creek, certify as follows:

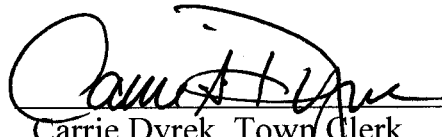
1. On May 21, 2007, Desert Hills Water Company, Inc. transferred its assets to the Town of Cave Creek through a Special Warranty Deed, Bill of Sale, and Transfer and Assignment, copies of which are attached hereto as Exhibits A, B and C.

2. The Town of Cave Creek has issued credits to approximately 189 customers of the Desert Hills Water Company, Inc. affected by water outages in 2006 in the amount of the minimum monthly water charges for the months of June through September 2006. Copies of the notice of credit and a list of the customers who received the credits are attached hereto as Exhibits D and E.

3. The Town of Cave Creek on May 21, 2007 adopted Ordinance No. 2007-9, Section 3 of which created the Town's Citizen Water Advisory Committee, a copy of that Ordinance is attached hereto as Exhibit F.

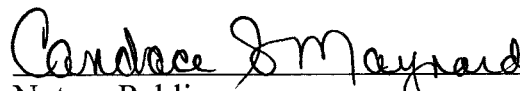
4. On June 18, 2007 the Cave Creek Council appointed ten persons and three alternates to the Town's Citizen Water Advisory Committee. A copy of the Notice of Decision certifying the decision and listing the members and alternates is attached hereto as Exhibit G.

1 DATED this 27th day of June, 2007.

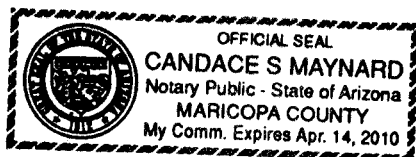
2
3
4 
5 Carrie Dyrek, Town Clerk
6 Town of Cave Creek

7 STATE OF ARIZONA)
8 County of Maricopa) ss.

9 The foregoing instrument was acknowledged before me this 27th day of June, by
10 Carrie Dyrek as Town Clerk for the Town of Cave Creek.

11
12 
13 Notary Public

14 My Commission Expires: April 14, 2010



17
18
19 ORIGINAL and thirteen (13) copies
20 of the foregoing were delivered
21 this 28th day of June, 2007, to:

22 Docket Control
23 Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

24 COPY of the foregoing hand-delivered
25 this 28th day of June, 2007, to:

26 Lyn Farmer
27 Assistant Chief Administrative Law Judge
28 Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

1 COPY of the foregoing e-mailed
2 this 28th day of June, 2007, to:

3 Janice Alward
4 Attorney, Legal Division
5 Arizona Corporation Commission
6 1200 W. Washington Street
7 Phoenix, AZ 85007
8 jalward@cc.state.az.us

9 Maureen Scott
10 Attorney, Legal Division
11 Arizona Corporation Commission
12 1200 W. Washington Street
13 Phoenix, AZ 85007
14 mscott@azcc.gov

15 Janet Wagner
16 Attorney, Legal Division
17 Arizona Corporation Commission
18 1200 W. Washington Street
19 Phoenix, AZ 85007
20 jwagner@azcc.gov

21 Steven Olea
22 Assistant Director, Utilities Division
23 Arizona Corporation Commission
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Troy Day
Arizona-American Water Company
19820 N. 7th Street, Suite 201
Phoenix, AZ 85024
gtday@amwater.com

26
27 Wendy Peterson
28

WHEN RECORDED, RETURN TO:

Marvin S. Cohen, Esq.
Sacks Tierney P.A.
4250 N. Drinkwater Blvd., 4th Floor
Scottsdale, Arizona 85251

SPECIAL WARRANTY DEED

DESERT HILLS WATER CO., INC., an Arizona corporation ("Grantor"), for valuable consideration paid to Grantor, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby convey to the TOWN OF CAVE CREEK, an Arizona municipal corporation ("Grantee"), its successors and assigns forever, all of Grantor's interest in the real property, together with all Grantor's interest, if any, in any improvements and fixtures located thereon or to be located thereon, and all rights and appurtenances pertaining thereto (collectively, the "Property") legally described on Exhibit A attached hereto and made a part hereof.

SUBJECT TO current taxes and assessments, reservations in patents, all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, liabilities or other matters of record.

TOGETHER WITH all of Grantor's water, mineral, oil and gas rights pertaining to the Property, if any.

Grantor warrants to Grantee that Grantor will defend title to the Property against the acts of Grantor and none other subject to the matters stated herein.

This transfer is exempt from the Affidavit of Property Value requirement pursuant to A.R.S. § 11-1134(A)(3).

[signature appears on the following page]

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed this 21st day of May, 2007.

GRANTOR:

DESERT HILLS WATER CO., INC.,
an Arizona corporation

By: Usama Abujbarah
Usama Abujbarah, President

STATE OF ARIZONA)
) ss.
County of Maricopa)

On May 21, 2007, before me, ANITA HAMMERMAN a Notary Public, personally appeared Usama Abujbarah, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, executing same in his authorized capacity as President of DESERT HILLS WATER CO., INC., an Arizona corporation, and acknowledged the execution of the foregoing instrument to be his free and voluntary act and deed on behalf of said Corporation.

Anita Hammerman
Notary Public

My Commission Expires:

11/1/2010



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1 (also known as APN 211-52-058H)

The S $\frac{1}{2}$ of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 4, T5N, R3E of the G.&S.R.B. & M., Maricopa County, Arizona; and that parcel of property that is described as follows:

A portion of the N $\frac{1}{2}$ of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 4, T5N, R3E of the G.&S.R.B. & M., Maricopa County, Arizona and is more particularly described as follows:

Commencing at a brass cap in a hand hole at the Southwest Corner of Section 4;

Thence along the southerly line of said Section 4 N89° 59' 098"E 1318.81 feet to a brass cap flush at the intersection of Carefree Hwy. and 10th St. (West 1/16 Corner);

Thence along the westerly line of the SE $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 4 N00° 19' 08"W 852.37 feet to the Southwest Corner of the N $\frac{1}{2}$, S $\frac{1}{2}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 4;

Thence along the southerly line of said aliquot Section S89° 41' 02"E 220.05 feet to a point at the Southwest corner of a parcel to be conveyed to the S $\frac{1}{2}$, S $\frac{1}{2}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 4 and the **TRUE POINT OF BEGINNING**;

Thence at right angles to the last described line N00° 18' 58"W 39.65 feet to a point at the Northwest Corner of said parcel to be conveyed;

Thence along the northerly line of said parcel S89° 41' 02"E 134.00 feet to the Northeast Corner of said parcel to be conveyed;

Thence along the easterly line of said parcel S00° 18' 58"E 39.65 feet to the Southeast Corner of said parcel and in the Southerly Line of the N $\frac{1}{2}$, S $\frac{1}{2}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 4, as recorded in Docket No. 95-0419810;

Thence along the southerly line of said aliquot Section N89° 41' 02"W 134.00 feet to the **TRUE POINT OF BEGINNING**.

PARCEL 2 (also known as APN 211-52-058F)

A portion of the SE $\frac{1}{4}$ of Section 4, T5N, R3E of the G.&S.R.B.&M., Maricopa County, Arizona and more particularly described as follows:

Commencing at the Southwest Corner of Section 4:

650019.01

Thence East 1318.74 feet to the Southwest Corner of the SW 1/4, SE 1/4, SW 1/4 of Section 4:

Thence North 664.07 Feet;

Thence East 40.00 feet to a point on the East right-of-way line of 10th Street and to the **TRUE POINT OF BEGINNING**;

Thence North 263.88 feet;

Thence East 619.26 feet;

Thence South 159.77 feet;

Thence West 512.42 feet;

Thence South 100.00 feet;

Thence West 104.50 feet to the **TRUE POINT OF BEGINNING**.

PARCEL 3 (also known as APN 211-52-122)

The portion of the NW 1/4, NE 1/4, SW 1/4 of Section 4, T5N, R3E of the G.&S.R.B.&M., Maricopa County, Arizona and more particularly described as follows:

Commencing at the Northwest Corners of the NW 1/4, NE 1/4, SW 1/4 of said Section 4;

Thence South 88° 57' East 678.33 feet;

Thence South 00° 05' West 40.01 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing South 00° 05' West 101.01 feet;

Thence North 88° 57' East 50.01 feet;

Thence North 00° 05' East 101.01 feet;

Thence South 88° 57' East 50.01 feet to the **TRUE POINT OF BEGINNING**.

PARCEL 4 (also known as APN 211-23-045D)

The East half of the Southeast quarter of the Southwest quarter of the Southwest quarter of Section 29, Township 6 North, Range 3 East of the G.&S.R.B.&M., Maricopa County, Arizona;

EXCEPT the South 508.93 feet thereof;

650019.01

RESERVING the East 20.00 feet thereof for a public right-of-way for utilities and ingress/egress easement.

PARCEL 5 (also known as APN 211-23-213A)

TRACT A, DESERT HILLS ESTATES, according to the plat of record in Book 315 of Maps, page 6, records of Maricopa County Recorder, Arizona; **and**

That parts of Lots 17 and 146, DESERT HILLS ESTATES, according to the plat of record in Book 315 of Maps, page 6, recorded in the records of Maricopa County Recorder, Arizona, more particularly described as follows:

Beginning at the Northeast Corner of said Tract A;

Thence North along the East line of Lot 17 11.50 feet;

Thence West 114.00 feet;

Thence South 83.00 feet;

Thence East 114.00 feet;

Thence North along the East line of Lot 147 and Tract A 71.50 feet to the **POINT OF BEGINNING**.

PARCEL 6 (also known as APN 211-52-032T)

The South 150.00 feet of the following described parcel:

The West half of the Northeast quarter of Lot 2, Section 4, T5N, R3E of the G.&S.R.B.&M., Maricopa County, Arizona;

EXCEPT the South 300.00 feet thereof; **and**

EXCEPT all coal and other minerals as reserved in patent to said land.

PARCEL 7 also known as APN 211-24-009G)

A portion of the SE 1/4 of Section 8, T5N, R3E of the G.&S.R.B.&M., Maricopa County, Arizona, more particularly described as follows:

Commencing at the South quarter corner of said Section 8;

Thence North 1338.53 feet to a point on the South line of the S 1/2, N 1/2, SE 1/4 of said Section 8 and the **TRUE POINT OF BEGINNING**;

Thence East 722.50 feet;

Thence North 105.00 feet;
Thence West 72.1.59 feet;
Thence South 105.00 feet to the **TRUE POINT OF BEGINNING.**

PARCEL 8 (also known as APN 211-52-080)

A portion of the Northeast quarter of the Southwest quarter of Section 4, Township 5 North, Range 3 East, Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at the West Quarter corner of said Section 4;

Thence South $88^{\circ}57'11''$ East, along the East-West mid-section line, a distance of 2035.51 feet to a point from which the center of said Section 4 bears South $88^{\circ}57'11''$ East a distance of 678.50 feet;

Thence South $00^{\circ}06'03''$ West, a distance of 90.00 feet to the **TRUE POINT OF BEGINNING;**

The continuing South $00^{\circ}06'03''$ West, a distance of 50.00 feet;

Thence North $88^{\circ}57'11''$ West, a distance of 50.00 feet;

Thence North $00^{\circ}06'03''$ East, a distance of 50.00 feet;

Thence south $88^{\circ}57'11''$ East a distance of 50.00 feet to the **TRUE POINT OF BEGINNING.**

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS:

That DESERT HILLS WATER CO., INC., an Arizona corporation ("Seller"), for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, paid to Seller by the TOWN OF CAVE CREEK, an Arizona municipal corporation ("Buyer"), does hereby sell and assign to Buyer all of Seller's interest in and to the personal property set forth in Exhibit A attached hereto and incorporated by reference into this Bill of Sale.

Buyer agrees that it is purchasing the assets in an "as is, where is" condition, with no representations or warranties whatsoever (as to physical condition, title, fitness for a particular purpose, merchantability, or any other matter) made by Seller or relied upon by Buyer in connection with this Bill of Sale, except as expressly set forth in the Stock Purchase Agreement by and between Seller and Buyer dated September 12, 2006.

Dated this 21st day of May, 2007.

SELLER:

DESERT HILLS WATER CO., INC., an Arizona corporation

By: Usama Abujbarah
Usama Abujbarah, President

BUYER:

TOWN OF CAVE CREEK, an Arizona municipal corporation

By: Vincent Francis
Name: VINCENT FRANCIS
Its: MAYOR

Exhibit A
To Bill of Sale

- Facilities inventory of Company
 - 4" ACP, PVC pipe 6,208 l.f.
 - 6" ACP, PVC, DI pipe 143,941 l.f.
 - 8" ACP, PVC DI pipe 83,325 l.f.
 - 14" DI pipe 140 l.f.

 - 5/8" x 3/4" meters 1,565
 - 3/4" meters 2
 - 1" meters 71
 - 1 1/2" meters 3
 - 2" meters 9
 - Residential standpipe 15
 - Commercial hauled 1 (metered: MCDOT)
 - Hydrant meters {8} (available but not currently connected)
 - Hydrants approx 45

 - Well #2 60hp submersible pump, cased 800', 8" diameter casing, 4" turbo meter, drilled 1972, approx 150-200 gpm, 5,000

 - Well #3 20hp submersible pump, cased 800', 8" diameter casing, 4" turbo meter, drilled 1981, approx 40 gpm, 5,000

 - Well #4 75hp submersible pump, cased 1000', 10" diameter casing, 4" turbo meter, drilled 1997, approx 250-300 gpm
- Booster pumps:
 - 6 15hp
 - 4 25hp
- Storage tanks:
 - 107,000 gal - Central Ave Tank site
 - 103,000 gal - 7th St. Booster Station, w/ 5,000 gal pressure tank
 - 250,000 gal - 10th St. Tank Site, w/ 5,000 gal pressure tank
 - 300,000 gal - Tank #4, w/ 5,000 gal pressure tank

- Cloud Rd. Booster Station: 250,000 gal water tank (completed), 4 - 15hp booster pumps, 5,000 pressure tank, 400 amp service.

- Other assets:

- 5,000 pressure tank (new) on site.
- 400 amp electric service (new) on site.

- Equipment and Vehicles
 - Misc. power and hand tools,
 - 1996 590SL Case Backhoe,
 - 1996 Dodge 1/2 ton truck,
 - 1997, Chevy 1 ton utility bed truck,
 - flatbed trailer,
 - 2001 Polaris quad,
 - 2003 Polaris quad

TRANSFER AND ASSIGNMENT

KNOW ALL MEN BY THESE PRESENTS:

That DESERT HILLS WATER CO., INC., an Arizona corporation ("Transferor"), for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, paid to Seller by the TOWN OF CAVE CREEK, an Arizona municipal corporation ("Town"), does hereby transfer and assign to Town all of Transferor's interest in and to the Assumed Contracts and Permits listed in Exhibit A and Exhibit A-1 attached hereto and incorporated herein by reference.

The Town hereby assumes all of Transferor's obligations under the Permits and Assumed Contracts listed in Exhibit A to the extent such obligations are related to periods subsequent to the date of this Transfer and Assignment.

Dated this 21st day of May, 2007.

TRANSFEROR:

DESERT HILLS WATER CO., INC., an Arizona corporation

By: Usama Abujbarah
Usama Abujbarah, President

TRANSFeree:

TOWN OF CAVE CREEK, an Arizona municipal corporation

By: Vincent Francia
Name: Vincent Francia
Its: Mayor

EXHIBIT A
To Transfer And Assignment

PERMITS:

Maricopa County Department of Transportation Permit to Desert Hills Water Co., Inc. for Construction in County Right of Way

Maricopa County Franchise to Desert Hills Water Co., Inc. dated August 13th, 1997

Maricopa County Franchise to Desert Hills Water Co., Inc. dated April 3rd, 1996

Maricopa County Franchise to Desert Hills Water Co., Inc. dated November 16th, 1987

Maricopa County Franchise to Desert Hills Water Co., Inc. dated October 1st, 1990

Any other Maricopa County Franchise held by Transferor

LINE EXTENSION AGREEMENTS

See the list of Line Extension Agreements (LXAs) attached hereto as Exhibit A-1 to which Desert Hills Water Co., Inc. is a party. The Town's obligations under these LXAs are limited to the existing obligations, if any, of Desert Hills Water Co. as of May 21, 2007.

AGREEMENTS

Line Extension Agreement between Desert Hills Water Co., Inc. and Abbryon-Desert Hills, LLC dated May 7, 2007;

Cost Sharing and Construction of Common Facilities Agreement between Desert Hills Water Co., Inc. and Abbryon-Desert Hills, LLC dated May 7, 2007

Water Supply Agreement between Desert Hills Water Co., Inc. and Arizona-American Water Company dated March 29, 2007.

EXHIBIT A-1
To Transfer And Assignment

LINE EXTENSION AGREEMENTS

YEAR	#	NAME
2006	204	FALES*
	210	SAVILLE
	214	PRYOR*
	218	CIRCLE D UNDERGROUND - LOEB/JENSON
	220	OPIC*
	226	AARON GRATE CONSTRUCTION INC
	227	MACKOVICH*
	228	HOUZE & SONS BUILDERS
	229	PIERSON - IRON GATE DEVELOPMENT LLC
	230	KEN MAYBERRY AND ALDEBARAN - MS LLC
	231	TRIPLE C CONSTRUCTION*
	232	RENAISSANCE PARTNERS*
2005	208	LACKI
	209	LACKI, MADDOCK
	211	BROWN
	213	NBI BUILDERS C/O MARK NELSON
	216	DELTA BUILDERS - PIERSON
	217	HOUZE & SONS BUILDER
	219	CYM CONSTRUCTION SERVICES LLC
	221	WILLIAM JONES - PFEIFFER
	222	HOUZE & SONS BUILDER
	223	B & J BUILDERS - JEFFERS
	224	B & J BUILDERS - JEFFERS
2004	146	DESERT SUNSETS*
	194	LA DEVELOPMENT
	195	HOUZE & SONS BUILDER
	196	CROSSROADS CONSTRUCTION INC
	197	TOWN & COUNTRY HOME INC
	198	TOWN & COUNTRY HOME INC
	199	JIM GROTE
	200	SOFTWINDS - ALDERKNOTT HOLDINGS LLC
	201	WOOD LAND & CATTLE COMPANY LLC
	205	AJF CUSTOM HOMES - ALAN FERNANDEZ
	207	TUSCANI POINT RETAIL SHOP - ROB EATON
	212	AJF CUSTOM HOMES - ALAN FERNANDEZ
	215	WALKING STICK PROPERTIES - DAVID JENKINS
2003	168	TOMMIE J WARD
	172	GENESIS ONE LLC, MIKE HOLTZER, MARY RANDLE, LARRY ANDERSON

	173	G AND S BUILDERS
	174	MAVERICK BULLDOG DEVELOPMENT INC
	175	D & M LAND DEVELOPMENT
	176	HAMMER HOMES LLC
	177	ROSS E BABCOCK JR
	178	JB CUSTOM HOMES
	179	TOM FARRIER
	180	HAMMER HOMES
	181	JOSEPH NICOLIA
	182	DSE GROUP LLC
	183	TERRY STINES
	184	J ROSS CONSTUCTION
	185	NEW RIVER HOMES, INC - MIKE DANZER
	186	CARR-HUML INVESTORS LLC
	187	MFW PARTNERS LLC - FRETS
	190	BOB BRAUN
	191	DESERT HILL PARTNER LLC
	192	AJF CUSTOM HOMES - ALAN FERNANDEZ
	193	AJF CUSTOM HOMES - ALAN FERNANDEZ
2002	154	CAVALIER
	157	CAVE CREEK EQUINE SURGICAL CENTER - FIRELINE [File / No Contract]
	158	EDUARDO & ALMA SANCHEZ
	162	CROSSROADS CONSTRUCTION INC
	163	MFW PARTNERS LLC - FRETZ
	164	DEBBIE CHRISTIANSEN
	DHWC	DHWC LEWIS LINE*
	165	LOVE WATER LINE (mutiple names)
	166	SCOTT
	169	KEVIN DOYLE
	171	POINTE DEVELOPMENT LLC
2001	126	APACHE PEAK DEVELOPMENT LLC
	139	SOFTWINDS - DESERT VIEW ESTATES [No file / contract]
	150	SOFTWINDS - KELLY MILLER
	151	GERARD MUSSO
	152	ED BROGDEN
	153	POINTE DEVELOPMENT
	155	KENNETH JORDAN
	156	JAY SCOTT
	160	JRT HOMES INC - MARK & JACKIE DEAN
	161	D & L GIBSON, J & S EHMANN, K MAYBERRY, J & G EHMANN
2000	135	CSG PARTNERS
	136	HOUZE ENTERPRISES
	137	SEAN MALLONE - BASSETT CONSTRUCTION
	138	KELLY D. OR SHANON E MILLER
	139	KELLY MILLER - SOFTWINDS DESERT VIEW ESTATES

	141	SANTA BARBARA HOMES - ORLICH
	143	LARRY AND FED CANTELL
	144	RUSKER
	147	LA DEVELOPMENT
	148	SOFTWINDS - KELLY MILLER
	149	BASSETT CONSTRUCTION & DEVELOPMENT LLC
1999	107	KDM CONTRACTING INC
	109	BRAD FORTUNE
	110	LARRY NELSON DEVELOPMENT CO
	111	KD MILLER, D DRAKE, J CARNEAL, LAKE LAND & LIVESTOCK, LAWRENCE FT, BC LAKE
	112	DAVID ELLIS
	113	GERARD CONSTRUCTION - GERARD MUSSO
	114	BASH ENTERPRISES - VISTA MONTANA
	115	MICHAEL MEULENDYK
	116	KELLY & SHANNON MILLER - SANTA BARBARA HOMES
	117	FENNY L GOMEZ
	118	TOM FARRIER
	119	FRED IROXELL AND HAGA
	120	GERARD CONSTRUCTION - GERARD MUSSO
	121	GERARD CONSTRUCTION - GERARD MUSSO
	122	DEBBIE SUTHERLAND & CHERYL RAY
	123	JOHN OR SHAWNA DRAGT
	124	KELLY & SHANNON MILLER
	125	K F BUILDERS
	126	UNITED HOMES - APACHE PEAK RANCH II
	127	JERRY OR CINDY GOLLIHAR
	128	J P LUYSSAERT
	129	STEPPING STONE ACADEMY
	130	BASSETT CONSTRUCTION AND DEVELOPMENT LLC
	131	JOEL ANDERSON - ROSS RICH
	132	KRIZ
1998	90	LOWELL OR SHARON DOWDY
	91	ISAAC BRANDON OR OZZIE'S PIPELINE PADDER INC
	93	RAY FREELAND
	94	GEORGE BOSLER AND THE KNAPP FAMILY TRUST
	95	LARRY WARREN, ALBERT PLOTKIN, DENNIS SHAW, IVAN TEKIC
	96	DONALD ALLISON, KELLY OR SHANNON MILLER, MIKE ANDERSON
	97	WALTER SCOTT
	98	RICHARD COOK, SHERRY COLEMAN, JAMES INGRAM
	99	ROBERT OR VIRGINIA PECKINPAUGH, DOUG MINDERLIN
	100	BRANDI SHLSON
	101	JAMES AND MARY ANN GROTE
	102	ALLISON LAND & DEVELOPMENT COMPANY INC
	103	DONALD L PATTY
	104	BARBARA PACHIPKA
	105	GERALD CONSTRUCTION - GERALD MUSSO

	106	BASSETT CONSTRUCTION & DELVELOPMENT LLC
1997	71	APACHE PEAK RANCH - SUBDIVISION
	73	JERRY MUSSO
	75	ROBERT JOY
	76	STEVEN L HENRY
	77	DESERT HILLS INVESTMENT CO, LARRY WADE, MANAGING PARTNER
	78	DESERT HILLS INVESTMENT CO, LARRY WADE, MANAGING PARTNER
	79	GREG MCKENNIS, DENISE FIELDS, CONNIE CHRISTOFANELL, MURPHY
	80	ALEXANDER CHURCHICH - MARKOS PLAZA
	81	RICHARD BUELOW, NEISHA WALKER, VIOLET A LOOP
	82	CHRIS MATLOCK, KELLY MILLER, TERRY WALKER
	83	TOMAS DUCEY
	84	RJ WAMPLER CONSTRUCTION
	85	DON JOHNSON
	86	SCOTT GRAY / KENT STANGE
	87	GREG MCKENNIS - DOVE VALLEY
	88	BROOKS CARROLL, WILSON FAMILY TRUST, STEVEN SPURLING
	89	CAREFREE DESERT HILLS DEVELOPMENT CO - ESTATES NORTH
	92	BRAD ORLICH
		* No copy of the contract for these LXAs has as yet been found in the corporate records.

NOTICE TO DESERT HILLS CUSTOMERS AFFECTED BY
SERVICE INTERRUPTIONS JUNE - SEPTEMBER
2006

In connection with the transfer of the utility assets of Desert Hills Water Co. to the Town of Cave Creek, The Town has agreed to credit the approximately 189 customers affected by service interruptions last summer with the amount of the minimum water charges for June through September of 2006. The minimum monthly charge is \$26.00. Now that the transfer has occurred, please be advised that **your water account has been credited in the amount of \$104.00**. This credit covers all four months during that time frame.

**NOTICE TO DESERT HILLS CUSTOMERS AFFECTED
BY SERVICE INTERRUPTIONS JUNE - SEPTEMBER
2006**

In connection with the transfer of the utility assets of Desert Hills Water Co. to the Town of Cave Creek, The Town has agreed to credit the approximately 189 customers affected by service interruptions last summer with the amount of the minimum water charges for June through September of 2006. The minimum monthly charge is \$26.00. Now that the transfer has occurred, please be advised that **your water account has been credited in the amount of \$52.00.** This credit covers the two months you had water service during that time frame.

**NOTICE TO DESERT HILLS CUSTOMERS AFFECTED
BY SERVICE INTERRUPTIONS JUNE - SEPTEMBER
2006**

In connection with the transfer of the utility assets of Desert Hills Water Co. to the Town of Cave Creek, The Town has agreed to credit the approximately 189 customers affected by service interruptions last summer with the amount of the minimum water charges for June through September of 2006. The minimum monthly charge is \$26.00. Now that the transfer has occurred, please be advised that **your water account has been credited in the amount of \$78.00.** This credit covers the three months you had water service during that time frame.

**NOTICE TO DESERT HILLS CUSTOMERS AFFECTED
BY SERVICE INTERRUPTIONS JUNE - SEPTEMBER
2006**

In connection with the transfer of the utility assets of Desert Hills Water Co. to the Town of Cave Creek, The Town has agreed to credit the approximately 189 customers affected by service interruptions last summer with the amount of the minimum water charges for June through September of 2006. Your minimum monthly charge is \$35.00. Now that the transfer has occurred, please be advised that **your water account has been credited in the amount of \$140.00.** This credit covers all four months during that time frame.

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Desert Hills Water Co., INC.

TRAN#	ACCOUNT #	NAME	DATE	BY	CHECK #	DATE	DRWR	TO	TRANSACTION TYPE	ACCT	DEBITS	ACCT	CREDITS	AMT	TENDERED
1	107010	RAYBERT, LESLIE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
2	102830	DIONNE, BARBARA	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
3	105120	GRANDVIZY, KATHRYN	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
4	107410	BURDICK, JOHN	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
5	111700	LINGBERG, KURT	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
6	166900	BECHTOLD, PHILLIP	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
7	113910	TEHERS, TOM	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
8	210210	MARCIN & IWONA MORA	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	52.00	0.00	52.00	52.00	52.00
9	210100	DRABIK, JAROSLAW	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	78.00	0.00	78.00	78.00	78.00
10	210310	LEON, ROXANNE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	52.00	0.00	52.00	52.00	52.00
11	210410	RODRIGUEZ, DAN	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	52.00	0.00	52.00	52.00	52.00
12	210500	LINDSEY, GARY	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	78.00	0.00	78.00	78.00	78.00
13	120710	MERTZ, JANETIE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	78.00	0.00	78.00	78.00	78.00
14	120500	TAILFORD, CHRISTINE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
15	143310	KILLISWORTH, GARY	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
16	071910	OLLER, MARGARET	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
17	105600	GARLNER, MARILYN	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
18	104430	ADAMS, ERIN	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
19	147110	LILLIAM, RENE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
20	110030	KOENIG, ANGELIA	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
21	114100	CHRISTENSEN, DEBBIS	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
22	106030	MORGAN, JENNIFER	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
23	114210	WHITEMORE, LORIE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
24	112500	STITES, LINDA	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
25	142910	GROTE, JIM	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
26	209300	GROTE CONSTRUCTION,	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
27	210000	MERDI, RALPH	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
28	209200	GROTE CONSTRUCTION,	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
29	200200	RUTHERFORD, DEATHIER	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
30	200100	KUEHL, DONNA	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
31	199910	PAUL, LOUANN	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
32	200000	GILSON, MICHAEL & B	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
33	200700	STICKMAN, ROBERT	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
34	200910	FERRARA, ROBERT	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
35	241020	FULKE, PAULEA	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	78.00	0.00	78.00	78.00	78.00
36	206410	SWIFT, MELISSA	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
37	202310	AYERS, KIM	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
38	163800	ROTHOCK, LUE JEANS	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
39	172010	SHAWL, JOYCE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
40	187300	CANN, PENNY	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
41	167700	BUTLER, JULIE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
42	020500	LACKI, SU	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
43	200410	SHUGART, RHONDA	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
44	201720	MATTHEWS, MISTIE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
45	201610	ALLEN, DAVID & ANGIE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
46	201520	ALLIFF, STEPHEN	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
47	200300	BRANDEN, LARAE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
48	201500	YORK, RANDY	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
49	202710	OROZCO, ARTURO	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
50	207200	DONOVAN, TINA	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
51	207300	JEFFERS, BRUCE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00
52	167900	CYMERLESKI, JUDY	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	0.00	104.00	104.00	104.00

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TRAN#	ACCOUNT #	NAME	DATE	RZ	CHECK #	BATC	DRWR	TC	TRANSACTION TYPE	AMT	DEBITS	ACCT	CREDITS	AMT	TENDERS
53	170400	RICHARDSON, ZILIAER	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
54	168900	SCHORFELDER, DAN	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
55	168510	DEWING, KIMBERLY	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
56	167900	DESANTIS, JERRY & V	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
57	178800	KELLER, TON	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
58	178000	ANDERSON, TAMI J.	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
59	176510	HILSON, LOVIS	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
60	176700	HERBERA, ARMANDO CO	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
61	179410	RECTORIAN, BAPS	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
62	121020	TRAYLOR, BENJAMIN	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
63	108900	HAYDEN, GARY T.	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
64	122530	PATTERSON, KIM	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
65	111070	ATWOOD, ANNEW	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
66	093420	CONCELTIN, BRUCE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
67	086710	BERTILSEN, CANDACE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
68	179300	STEFENS, CHERYL &	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
69	174600	ROEST, SHERI	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
70	097110	ROESE, SYBRI	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
71	000630	NALY, GAVLEN	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
72	168400	HEIM, CHERYL	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
73	173400	PRINGLE, BRIC P.	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
74	135900	STANGRITZ, RON	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
75	143610	KAAS, WENDY	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
76	141510	ZZRES, MARCO	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
77	202510	JENKINS, BRIAN	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
78	202010	MCDANIEL, ANDREA	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
79	202210	DUBOIS, JAMES	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
80	201910	ROHAN, TON & CARO	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
81	202310	KORSELL, STACY	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
82	202600	URKEA, CASSY	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
83	202700	MIKKELSEN, CHRISTIA	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
84	201700	HINES, JAY	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
85	192210	FISHER, JUNIUS	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
86	130610	MURPHY, CHRISTINE &	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
87	134010	TINKHAM, SANDY	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
88	158110	QUAIKO, ABRAHAM & M	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
89	159410	PANALCI, CLIFFORD C.	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
90	163010	MILES, CHRIS	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
91	129600	SUTHERLAND, DEBBIE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
92	208800	SUTHERLAND, KAREN	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
93	137310	OWENS, JANNIS & JAMB	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
94	117810	HERRANDEZ, SANTOS	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
95	114310	SMITH, JENNIE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
96	106520	HILFRICK, CHUCK	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
97	111110	CHRISTNER, CHRIS	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
98	125010	BEURLEIN, ROBERT	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
99	107620	SWETEN, RON	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
100	114430	LANG, ADRIANA	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
101	106620	TESTONE, LAWRENCE K	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
102	137710	SOUKJS, SHARI	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
103	134020	LEE, SANDRA	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
104	144020	STONCO, LORI & NICE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00
105	134410	HENDERSON, MR. & MS	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	104.00	0.00	104.00	104.00	104.00	104.00

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TRAN#	ACCOUNT #	NAME	DATE	BY	CHECK #	BATC	DNWR	TC	TRANSACTION TYPE	ACCT DEBITS	ACCT CREDITS	AMT TENDERED
105	140520	MACE, DEVIN	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
107	125120	TENG, CLIFF & BETH	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
108	130910	HAPP, STEPHANIE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
109	133410	KIRKPATRICK, GARY	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
110	173810	WOODRING, CHERYL &	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
111	119020	WEIR, CATRY L.	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
112	121410	DAIC, ROGER	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
113	119000	PEOPLES, TOM	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
114	129010	WALKER, RACHEL	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
115	182720	MARTIN, RAY	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
116	175510	COOK, J. R.	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
117	184410	GREENBERG, STEAL	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
118	175310	POMERATZ, AMY & RAN	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
119	175410	BARNES, JANE & MICH	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
120	175410	WESSEL, ALAN	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
121	132410	YEZZI, JOE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
122	116820	CROSTON, G. N. & B.	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
123	110910	HUGHINS, DONALD R.	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
124	107510	DAY, SCOTT	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
125	115010	SHARP, DARLENE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
126	154900	PAUL, DONALD	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
127	115610	LAIZURE, KEITH	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
128	125300	ATKINSON, LYN ANN	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
129	114820	VARGO, CHARLES	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
130	115410	MUNICKS, M. J.	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
131	119110	MCCARTER, JERRY	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
132	116810	PEREDA, JOE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
133	136110	PAULS, BEATRICE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
134	106220	OUT, KATHLEEN	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
135	115310	ROSLZ, ELIZABETH	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
136	115210	BROWN, LINDA	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
137	123310	BOREASTROM, MARK J.	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
138	143010	CHRISTENIK JR, RONAL	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
139	124410	DRAKE, EUGENE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
140	131810	SMITH, SUSAN	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
141	190900	FUSON, WANDA	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
142	141420	SPRONE, SAM & DEBOR	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
143	150410	SPRINKLE, MIKE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
144	140720	CLAPP, STEVE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
145	140810	WISNER, RONALD & L	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
146	121210	LUISAGERT, JIM PIR	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
147	131200	YATES, MARK	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
148	132530	HIMMEL, HOLLY	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
149	138130	BONS, MARGY	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
150	143120	DEAPEND, ROBERT	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
151	121720	ROSS, DOUGLAS	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
152	121510	DEAN, BRAD	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
153	126730	JONES, DERRICK	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
154	121610	MCMAWK, EDITH & RIC	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
155	203300	CORAN, JOSEPH W.	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
156	186220	JRT	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
157	211300	BREITZACK, CYNTHIA	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
158	201410		05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00

TRANSACTION ENTRY JOURNAL
Batch # Order

Dessert Hills Water Co., INC.

10:34 05-11-07 PAGE 4

TRAN#	ACCOUNT #	NAME	DATE	BY	CHECK #	BATC	DRNR	TC	TRANSACTION TYPE	ACCT DEBITS	ACCT CREDITS	AMT TENDERED
159	176810	REID, CORY & JANNY	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
160	185520	HART, LONNY	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
161	191610	VARDIS, HENRY & PATR	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
162	177410	FRANKS, JIM	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
163	192110	EMERY, DARRYL R.	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
164	184110	SHAW, WAYNE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
165	211700	JRE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
166	196010	MEASER, KRISTIE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
167	204000	MORRISON, DEAN	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
168	192010	TEMS, RANDI	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
169	189310	GUYNON, ROSA	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
170	210800	R.D.C. GROUP LLC	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
171	193110	WICK, DR. DAVID	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
172	194310	HIPPEL, JIM & SUZAN	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
173	194210	RICK, LAURA & JOHN	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
174	186310	COOPER, LUCY	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
175	193010	FORSTIA, MICHAEL &	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
176	206610	HAYNES, JENNIFER	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
177	115520	SEBELBAUM, JOHN	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
178	117710	REES, THEODORE	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
179	115710	OSBORNE, JODI	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
180	123410	PORD, JULIA	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
181	109920	COCHRAN, CHERYL	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
182	122730	KOSKOVICH, GREG	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
183	138200	KENNEDY, KEITH	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
184	159910	CIFARETTI, SABATINO	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
185	116710	SAIRO, THAD	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
186	123300	SMITH, FRED	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
187	131520	LEO, T.J.	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
188	167000	WHILL, CLAY	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
189	145020	RICHARDSON, THOMAS	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
190	157010	COLAN, HARRIET	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
191	152010	RUTSCHEAN, RICHARD	05-14-07	0	0	0	0	0	0 11 WATER CREDIT ADJUSTM	0.00	104.00	104.00
BATCH TOTALS -->										0.00	19,510.00	19,510.00
GRAND TOTALS -->										0.00	19,510.00	19,510.00

ORDINANCE NO. O2007-09

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAVE CREEK, MARICOPA COUNTY, ARIZONA, AMENDING THE TOWN OF CAVE CREEK TOWN CODE BY ADDING CHAPTER 52 WATER, ADDING SECTION 52.001 RATES, FEES AND CHARGES, ADDING SECTION 52.002, CITIZENS WATER ADVISORY COMMITTEE, PROVIDING FOR SEVERABILITY, AND DECLARING AN EMERGENCY.

NOW, THEREFORE, be it ordained by the Mayor and Common Council of the Town of Cave Creek, Arizona, as follows:

Section 1. **THE TOWN OF CAVE CREEK TOWN CODE IS HEREBY AMENDED BY ADDING CHAPTER 52 WATER.**

Section 2. **§52.001 RATES, FEES, AND CHARGES**

A. ESTABLISHED BY MAYOR AND COUNCIL.

THE RATES FOR THE USE OF WATER FOR CONSUMERS SHALL BE ESTABLISHED BY THE MAYOR AND COUNCIL, SUBJECT TO CHANGE, REVISION AND MODIFICATION IN THEIR DISCRETION.

B. LIABILITY OF CUSTOMER OF RECORD OR PROPERTY OWNER FOR CHARGES.

THE CUSTOMER OF RECORD, AS INDICATED IN THE UTILITY'S RECORDS, IS RESPONSIBLE FOR PAYING ALL CHARGES FOR THE PROVISION OF WATER SERVICE TO A PROPERTY OR PREMISES, REGARDLESS OF WHETHER THE CUSTOMER OF RECORD OR ANOTHER PARTY HAS ACTUALLY USED THE WATER DELIVERED TO THE PROPERTY. THE UTILITY MAY ELECT TO PURSUE COLLECTION OF ANY OUTSTANDING CHARGES FROM THE OWNER OF THE PROPERTY IF THE CUSTOMER OF RECORD DOES NOT PAY FOR ANY OUTSTANDING CHARGES. IN SUCH A CASE, OWNERSHIP OF THE PROPERTY OR PREMISES SHALL BE DETERMINED BY REFERENCE TO PUBLIC RECORDS MAINTAINED BY THE MARICOPA COUNTY RECORDER'S OFFICE.

IF THERE IS NO CUSTOMER OF RECORD, AND A MONTHLY METER READING INDICATES USAGE OF WATER AT THE PROPERTY OR PREMISES, THE OWNER OF THE PROPERTY SHALL BE RESPONSIBLE FOR PAYING THE WATER CHARGES DUE.

C. DEFINITIONS.

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- (1) "CAVE CREEK SERVICE AREA" MEANS THE PORTION OF THE TOWN'S WATER SERVICE AREA THAT LIES EAST OF 24TH STREET.**
- (2) "DEPARTMENT" MEANS THE TOWN DEPARTMENT OF WATER.**
- (3) "DESERT HILLS SERVICE AREA" MEANS THE PORTION OF THE TOWN'S WATER SERVICE AREA THAT LIES WEST OF 24TH STREET.**
- (4) "DIRECTOR" MEANS THE CHIEF OFFICER OF THE DEPARTMENT OF WATER.**
- (5) "NONPARTICIPATING APPLICANT FOR SERVICE" SHALL MEAN AN APPLICANT FOR NEW WATER CONNECTION TO A SUBDIVISION, OR PARCEL OF LAND THAT HAS NOT PARTICIPATED IN THE COST OF THE INSTALLATION OF THE WATER SUPPLY MAIN TO WHICH THE CONNECTION WILL BE MADE.**
- (6) "WATER FACILITIES" MEANS BOOSTER PLANTS, STORAGE TANKS, WELLS, PUMPING EQUIPMENT, DISTRIBUTION AND SERVICE LINES AND ALL OTHER**

APPURTENANCES USED OR USEFUL IN PROVIDING POTABLE AND NONPOTABLE WATER SERVICE.

(7) "WATER SYSTEM" MEANS TREATMENT PLANTS, BOOSTER PLANTS, STORAGE TANKS, WELLS, PUMPING EQUIPMENT, DISTRIBUTION AND SERVICE LINES AND ALL OTHER APPURTENANCES USED OR USEFUL FOR THE PROVISION OF WATER SERVICE IN THE TOWN'S WATER SERVICE AREA.

D. CHARGES FOR WATER SERVICE

CHARGES FOR WATER UTILITY SERVICE SHALL BE MADE AT MONTHLY INTERVALS AND SHALL, TO THE EXTENT POSSIBLE, BE CONSISTENT WITH THE POLICY FOR CHARGING FOR WATER IN DIRECT PROPORTION TO THE COST OF SECURING, DEVELOPING AND DELIVERING WATER TO THE CUSTOMERS OF THE TOWN WATER SYSTEM IN THE PARTICULAR SERVICE AREA. WATER CHARGES WILL BE COMPUTED THROUGH THE SUMMATION OF THE MONTHLY MINIMUM, THE MONTHLY WATER USE CHARGE, AND ANY SPECIAL ASSESSMENTS, TAXES OR SURCHARGES THAT ARE OR MAY BE IMPOSED BY ANY GOVERNMENTAL AGENCY.

E. RATES AND CHARGES IN THE CAVE CREEK SERVICE AREA

(1) MONTHLY POTABLE WATER SERVICE CHARGES.

FOR THE PURPOSES OF COMPUTING MONTHLY WATER CHARGES:

(a) THE MONTHLY SERVICE CHARGE SHOWN IN THE FOLLOWING TABLE APPLIES TO ALL CUSTOMER CLASSES IN THE CAVE CREEK SERVICE AREA. THE FEE SHALL BE CHARGED WHETHER OR NOT ANY WATER IS PROVIDED.

MONTHLY SERVICE CHARGE:

SERVICE SIZE (INCHES)	MONTHLY SERVICE CHARGE (INCLUDES 1,000 GALLONS)
5/8 X 3/4"	\$13.00
3/4"	13.00
1 "	18.00
2"	46.00
3"	56.00
4"	75.00
6"	110.00
(WITH BOOSTER)	
3/4"	\$17.00
1"	22.50

(b) MONTHLY WATER USE CHARGES IN ADDITION TO THE SERVICE CHARGE SHALL BE APPLICABLE TO EACH SERVICE CONNECTION IN THE CAVE CREEK SERVICE AREA TO USAGE IN EXCESS OF GALLONS INCLUDED IN THE MONTHLY MINIMUM AND SHALL BE \$2.46 PER 1,000 GALLONS.

(2). FIRE PROTECTION SERVICE IN THE CAVE CREEK SERVICE AREA.

(a) CHARGES.

CHARGES FOR UNMETERED WATER SERVICE AT FIRE STAND PIPES OR FIRE HYDRANTS IN THE CAVE CREEK SERVICE AREA SHALL \$10 PER MONTH PER FIRE HYDRANT OR FIRE STAND PIPE.

(b) SERVICE

THE TOWN WILL SUPPLY ONLY SUCH WATER AT SUCH PRESSURES AS MAY BE AVAILABLE FROM TIME TO TIME AS A RESULT OF NORMAL OPERATIONS OF ITS

WATER SYSTEM. THE TOWN DOES NOT GUARANTEE A SPECIFIC WATER PRESSURE OR GALLONS-PER-MINUTE FLOW RATE AT ANY OF THE FIRE HYDRANTS INSTALLED. IN THE EVENT SERVICE IS INTERRUPTED OR IRREGULAR OR DEFECTIVE OR FAILS, THE TOWN WILL NOT BE LIABLE FOR ANY INJURIES OR DAMAGES ARISING THEREFROM. THE CUSTOMER SHALL MAKE NO CLAIM AGAINST THE TOWN FOR ANY LOSS OF OR DAMAGE RESULTING FROM FIRE PROTECTION SERVICES PROVIDED. THE TOWN SHALL FURNISH, INSTALL, OWN AND MAINTAIN ALL PUBLIC FIRE HYDRANTS, SUBJECT TO ANY ADVANCE-IN-AID-OF-CONSTRUCTION AGREEMENT OR MAINTENANCE AGREEMENT THAT MAY BE REQUIRED BY THE TOWN. WATER SHALL NOT BE USED FROM FIRE HYDRANTS FOR ANY PURPOSE OTHER THAN FIRE PROTECTION UNLESS PRIOR WRITTEN CONSENT IS OBTAINED FROM THE TOWN, AND CHARGES WILL BE MADE THEREFORE AT THE ESTIMATED QUANTITY RATES UNDER THE TOWN'S GENERAL SERVICE RATE.

(3). STANDPIPE CHARGES

THIS SERVICE IS AVAILABLE IN THE CAVE CREEK SERVICE AREA ONLY AT DESIGNATED TOWN WATER LOCATIONS FOR THE USE OF HAULING WATER WHEN AND IF AUTHORIZED BY THE TOWN. THE RATE FOR EACH 1,000 GALLONS IS \$2.46. THE TOWN WILL SUPPLY WATER ON A WHEN AVAILABLE BASIS, AS DETERMINED BY THE TOWN. WATER WILL BE SUPPLIED ONLY DURING NORMAL WORKING HOURS EXCEPT WHERE A COIN OPERATED STAND PIPE IS AVAILABLE.

(4) CHARGES FOR INSTALLATION OF WATER METERS AND SERVICE CONNECTIONS.

THERE SHALL BE AN INSTALLATION CHARGE FOR ALL WATER SERVICE CONNECTIONS.

(a) CHARGES FOR THE INSTALLATION IN THE CAVE CREEK SERVICE AREA OF A METERED WATER SERVICE CONNECTION, INCLUDING THE SERVICE LINE, THE METER, AND WHICH DOES NOT REQUIRE PAVEMENT REPLACEMENT, SHALL VARY WITH THE SIZE OF THE METER INSTALLED ACCORDING TO THE FOLLOWING TABLE:

TABLE INSET:

SIZE OF METER (INCHES)	CHARGE
5/8 X 3/4"	\$150.00
3/4"	170.00
1"	210.00
1 1/2 "	400.00
2"	500.00
ALL OTHER SIZES	AT COST

(b) WHERE PAVED ROADWAYS MUST BE CROSSED, THE ACTUAL COST OF CUTTING AND REPAVING WILL BE ADDED TO THE ABOVE CHARGES.

(c) THE TOWN MAY, AT ITS OPTION, REQUEST THE CUSTOMER TO ENTER INTO AN AGREEMENT FOR CONTRIBUTION OR ADVANCE IN AID OF CONSTRUCTION IN LIEU OF THE METER AND SERVICE CONNECTION CHARGES.

(5) MISCELLANEOUS SERVICE CHARGES.

(a) SERVICE ESTABLISHMENT

A NON-REFUNDABLE SERVICE ESTABLISHMENT CHARGE OF \$20 WILL BE ADDED TO THE CUSTOMER'S BILL EACH TIME THE TOWN IS REQUESTED TO ESTABLISH WATER SERVICE TO THE TOWN'S DELIVERY POINT (TURN-ON).

(b) ESTABLISHMENT AFTER HOURS.

THE SERVICE ESTABLISHMENT CHARGE OR SERVICE RECONNECTION CHARGE WILL BE \$30 IF THE CUSTOMER REQUESTS A WATER ESTABLISHMENT OR RECONNECTION AFTER THE TOWN'S NORMAL WORKING HOURS.

(c) FIELD COLLECTION.

BILLS ARE DUE AND PAYABLE WHEN RENDERED. ANY PAYMENT NOT RECEIVED WITHIN FIFTEEN (15) DAYS FROM THE DATE THE BILL IS RENDERED SHALL BE CONSIDERED DELINQUENT. THE TOWN MAY TERMINATE WATER SERVICE UPON ANY DELINQUENT ACCOUNT ON PROVIDING THE CUSTOMER WRITTEN NOTICE AT LEAST (10) DAYS PRIOR TO TERMINATION. THE TOWN, AT ITS OPTION, MAY ATTEMPT A FIELD COLLECTION OF THE DELINQUENT BILL. A \$10.00 FIELD COLLECTION CHARGE SHALL BE ADDED TO THE CUSTOMER'S OUTSTANDING BILL WHENEVER A DELINQUENT BILL IS PAID AFTER AN AUTHORIZED REPRESENTATIVE OF THE TOWN HAS MADE A VISIT TO THE SERVICE ADDRESS IN AN EFFORT TO MAKE A FIELD COLLECTION.

(d) INSUFFICIENT FUNDS (RETURNED CHECKS)

A CHARGE OF \$10.00 WILL BE ADDED TO THE CUSTOMER'S NEXT BILL IF A CHECK IS RETURNED FROM THE BANK FOR INSUFFICIENT FUNDS. ADDITIONALLY, THE TOWN MAY REQUIRE THE CUSTOMER TO MAKE PAYMENTS IN CASH, MONEY ORDER, CERTIFIED CHECK, OR OTHER MEANS ACCEPTABLE TO THE TOWN. TENDERING A CHECK COVERED BY INSUFFICIENT FUNDS DOES NOT RELIEVE THE CUSTOMER OF THE OBLIGATION TO MAKE TIMELY PAYMENTS ON THE ORIGINAL BILLING, NOR PREVENT THE TOWN FROM OTHERWISE TERMINATING SERVICE FOR NON-PAYMENT.

(e) METER TEST.

METERS WILL BE TESTED AT THE CUSTOMER'S REQUEST AFTER THE TOWN HAS RECEIVED A TESTING FEE OF \$10.00 BEFORE THE BILL BECOMES DELINQUENT. IF THE METER IS FOUND TO OVER-REGISTER ABOVE 3 PERCENTUM (3%) OF THE CORRECT VOLUME, THE TESTING FEE WILL BE REFUNDED TO THE CUSTOMER, OR AT THE TOWN'S OPTION, CREDITED ON THE CUSTOMER'S NEXT BILL.

(f) METER RE-READ.

METERS WILL BE RE-READ AT THE CUSTOMER'S REQUEST AFTER THE TOWN HAS RECEIVED A RE-READ FEE OF \$10.00 BEFORE THE BILL BECOMES DELINQUENT. IF THE RE-READ INDICATES THE METER WAS OVER-READ, THE FEE WILL BE REFUNDED TO THE CUSTOMER, OR AT THE TOWN'S OPTION, CREDITED ON THE CUSTOMER'S NEXT BILL.

(g). DEPOSITS.

RESIDENTIAL CUSTOMER DEPOSITS SHALL BE TWO TIMES THE AVERAGE RESIDENTIAL CLASS MONTHLY BILL. NONRESIDENTIAL CUSTOMER DEPOSITS SHALL BE TWO AND ONE-HALF TIMES THAT CUSTOMER'S ESTIMATED MAXIMUM MONTHLY BILL. THE TOWN MAY REVIEW THE CUSTOMER'S USAGE AFTER SERVICE HAS BEEN CONNECTED AND ADJUST THE DEPOSIT BASED ON THE CUSTOMER'S ACTUAL USAGE.

F. RATES AND CHARGES IN THE DESERT HILLS SERVICE AREA.

(1) MONTHLY POTABLE WATER SERVICE CHARGES.

FOR THE PURPOSES OF COMPUTING MONTHLY WATER CHARGES:

(a) THE MONTHLY SERVICE CHARGE SHOWN IN THE FOLLOWING TABLE APPLIES TO ALL CUSTOMER CLASSES IN THE DESERT HILLS SERVICE AREA. THE FEE SHALL BE CHARGED WHETHER OR NOT ANY WATER IS PROVIDED.

MONTHLY SERVICE CHARGE:

SERVICE SIZE (INCHES)	MONTHLY SERVICE CHARGE (INCLUDES 00 GALLONS)
5/8 X 3/4"	\$26.00
3/4"	30.00
1 "	35.00
1-1/2"	60.00
2"	85.00
3"	390.00
4"	650.00
6"	1,300.00

(b) MONTHLY WATER USE CHARGES IN ADDITION TO THE SERVICE CHARGE SHALL BE APPLICABLE TO EACH SERVICE CONNECTION IN THE DESERT HILLS SERVICE AREA TO USAGE IN EXCESS OF GALLONS INCLUDED IN THE MONTHLY MINIMUM AND SHALL BE \$2.61 PER 1,000 GALLONS.

(2) FIRE PROTECTION SERVICE IN THE DESERT HILLS SERVICE AREA.

(a) CHARGES-FIRE HYDRANTS.

CHARGES FOR WATER SERVICE AT FIRE HYDRANTS IN THE DESERT HILLS SERVICE AREA SHALL \$25 PER MONTH PER FIRE HYDRANT.

(b) CHARGES-FIRE SPRINKLER SERVICE.

	Per connection to Company Main/Month
2	Not available
4	\$25.00
6	35.00
8	50.00

(c) SERVICE

THE TOWN WILL SUPPLY ONLY SUCH WATER AT SUCH PRESSURES AS MAY BE AVAILABLE FROM TIME TO TIME AS A RESULT OF NORMAL OPERATIONS OF ITS WATER SYSTEM. THE TOWN DOES NOT GUARANTEE A SPECIFIC WATER PRESSURE OR GALLONS-PER-MINUTE FLOW RATE AT ANY PUBLIC FIRE HYDRANT OR FIRE SPRINKLER SERVICE. IN THE EVENT SERVICE IS INTERRUPTED OR IRREGULAR OR DEFECTIVE OR FAILS, THE TOWN WILL NOT BE LIABLE FOR ANY INJURIES OR DAMAGES ARISING THEREFROM. THE CUSTOMER SHALL MAKE NO CLAIM AGAINST THE TOWN FOR ANY LOSS OF DAMAGE RESULTING FROM FIRE PROTECTION SERVICES PROVIDED. THE TOWN SHALL FURNISH, INSTALL, OWN AND MAINTAIN ALL PUBLIC FIRE HYDRANTS, SUBJECT TO ANY ADVANCE-IN-AID-OF-CONSTRUCTION AGREEMENT OR MAINTENANCE AGREEMENT THAT MAY BE REQUIRED BY THE TOWN. WATER SHALL NOT BE USED FROM FIRE HYDRANTS FOR ANY PURPOSE OTHER THAN FIRE PROTECTION UNLESS PRIOR WRITTEN CONSENT IS OBTAINED FROM THE TOWN, AND CHARGES WILL BE MADE THEREFORE AT THE ESTIMATED QUANTITY RATES UNDER THE TOWN'S GENERAL SERVICE RATE.

(3) STANDPIPE SERVICE, CONSTRUCTION WATER SERVICE

(a) THE MONTHLY RATE FOR STANDPIPE SERVICE IS \$25.00. THE RATE FOR EACH 1,000 GALLONS IS \$2.61.

(b) THE MONTHLY RATE FOR CONSTRUCTION WATER SERVICE IS \$50.00. THE RATE FOR EACH 1,000 GALLONS IS \$2.61.

(4). CHARGES FOR INSTALLATION OF WATER METERS AND SERVICE CONNECTIONS.
THERE SHALL BE AN INSTALLATION CHARGE FOR ALL WATER SERVICE CONNECTIONS.

(a) CHARGES FOR THE INSTALLATION OF A METERED WATER SERVICE CONNECTION, INCLUDING THE SERVICE LINE, THE METER, AND WHICH DOES NOT REQUIRE PAVEMENT REPLACEMENT, SHALL VARY WITH THE SIZE OF THE METER INSTALLED ACCORDING TO THE FOLLOWING TABLE:

TABLE INSET:

SIZE OF METER (INCHES)	CHARGE
5/8 X 3/4"	\$250.00
3/4"	275.00
1"	300.00
1 1/2 "	450.00
2"	625.00
3"	825.00
4"	1,450.00
6"	3,100.00
Fire Sprinkler:	
Meter and Valve 2"	Not available
4"	\$2,925.00
6"	3,400.00
8"	6,380.00

(b) WHERE PAVED ROADWAYS MUST BE CROSSED, THE ACTUAL COST OF CUTTING AND REPAVING WILL BE ADDED TO THE ABOVE CHARGES.

(c) THE TOWN MAY, AT ITS OPTION, REQUEST THE CUSTOMER TO ENTER INTO AN AGREEMENT FOR CONTRIBUTION OR ADVANCE IN AID OF CONSTRUCTION IN LIEU OF THE METER AND SERVICE CONNECTION CHARGES.

(5) MISCELLANEOUS SERVICE CHARGES.

(a) SERVICE ESTABLISHMENT

A NON-REFUNDABLE SERVICE ESTABLISHMENT CHARGE OF \$15 WILL BE ADDED TO THE CUSTOMER'S BILL EACH TIME THE TOWN IS REQUESTED TO ESTABLISH WATER SERVICE TO THE TOWN'S DELIVERY POINT (TURN-ON).

(b) ESTABLISHMENT AFTER HOURS.

THE SERVICE ESTABLISHMENT CHARGE OR SERVICE RECONNECTION CHARGE WILL BE \$30 IF THE CUSTOMER REQUESTS A WATER ESTABLISHMENT OR RECONNECTION AFTER THE TOWN'S NORMAL WORKING HOURS.

(c) RE-ESTABLISHMENT OF SERVICE

NUMBER OF MONTHS OFF SYSTEM TIMES THE MONTHLY MINIMUM.

(d) FIELD COLLECTION.

BILLS ARE DUE AND PAYABLE WHEN RENDERED. ANY PAYMENT NOT RECEIVED WITHIN FIFTEEN (15) DAYS FROM THE DATE THE BILL IS RENDERED SHALL BE CONSIDERED DELINQUENT. THE TOWN MAY TERMINATE WATER SERVICE UPON ANY DELINQUENT ACCOUNT ON PROVIDING THE CUSTOMER WRITTEN NOTICE AT LEAST (10) DAYS PRIOR TO TERMINATION. THE TOWN, AT ITS OPTION, MAY ATTEMPT A FIELD COLLECTION OF THE DELINQUENT BILL. A \$10.00 FIELD COLLECTION CHARGE SHALL BE ADDED TO THE CUSTOMER'S OUTSTANDING BILL WHENEVER A DELINQUENT BILL IS PAID AFTER AN AUTHORIZED REPRESENTATIVE OF THE TOWN

HAS MADE A VISIT TO THE SERVICE ADDRESS IN AN EFFORT TO MAKE A FIELD COLLECTION.

(d) INSUFFICIENT FUNDS (RETURNED CHECKS)

A CHARGE OF \$10.00 WILL BE ADDED TO THE CUSTOMER'S NEXT BILL IF A CHECK IS RETURNED FROM THE BANK FOR INSUFFICIENT FUNDS. ADDITIONALLY, THE TOWN MAY REQUIRE THE CUSTOMER TO MAKE PAYMENTS IN CASH, MONEY ORDER, CERTIFIED CHECK, OR OTHER MEANS ACCEPTABLE TO THE TOWN. TENDERING A CHECK COVERED BY INSUFFICIENT FUNDS DOES NOT RELIEVE THE CUSTOMER OF THE OBLIGATION TO MAKE TIMELY PAYMENTS ON THE ORIGINAL BILLING, NOR PREVENT THE TOWN FROM OTHERWISE TERMINATING SERVICE FOR NON-PAYMENT.

(e) METER TEST.

METERS WILL BE TESTED AT THE CUSTOMER'S REQUEST AFTER THE TOWN HAS RECEIVED A TESTING FEE OF \$35.00 BEFORE THE BILL BECOMES DELINQUENT. IF THE METER IS FOUND TO OVER-REGISTER ABOVE 3 PERCENTUM (3%) OF THE CORRECT VOLUME, THE TESTING FEE WILL BE REFUNDED TO THE CUSTOMER, OR AT THE TOWN'S OPTION, CREDITED ON THE CUSTOMER'S NEXT BILL.

(f) METER RE-READ.

METERS WILL BE RE-READ AT THE CUSTOMER'S REQUEST AFTER THE TOWN HAS RECEIVED A RE-READ FEE OF \$20.00 BEFORE THE BILL BECOMES DELINQUENT. IF THE RE-READ INDICATES THE METER WAS OVER-READ, THE FEE WILL BE REFUNDED TO THE CUSTOMER, OR AT THE TOWN'S OPTION, CREDITED ON THE CUSTOMER'S NEXT BILL.

(g). DEPOSITS.

RESIDENTIAL CUSTOMER DEPOSITS SHALL BE TWO TIMES THE AVERAGE RESIDENTIAL CLASS MONTHLY BILL. NONRESIDENTIAL CUSTOMER DEPOSITS SHALL BE THREE TIMES THAT CUSTOMER'S ESTIMATED MAXIMUM MONTHLY BILL. THE TOWN MAY REVIEW THE CUSTOMER'S USAGE AFTER SERVICE HAS BEEN CONNECTED AND ADJUST THE DEPOSIT BASED ON THE CUSTOMER'S ACTUAL USAGE.

(6). OFF-SITE FACILITIES HOOK UP FEE.

(a). APPLICABILITY.

IN ADDITION TO ALL OTHER FEES AND CHARGES AUTHORIZED BY OTHER SECTIONS OF THIS ORDINANCE, EACH NEW SERVICE CONNECTION OF THE TOWN IN THE DESERT HILLS SERVICE AREA SHALL BE ASSESSED A DEVELOPMENT FEE AS SET FORTH BELOW, FOR THE PURPOSE OF DEFRAYING THE CAPITAL COSTS ASSOCIATED WITH THE COST OF OFF-SITE PRODUCTION, STORAGE, AND APPLICABLE PRESSURE AND TRANSMISSION FACILITIES AND RELATED APPURTENANCES THERETO, INCLUDING ENGINEERING AND DESIGN COSTS, THAT WILL BE CONSTRUCTED TO SERVE THE NEW CONNECTIONS.

(b). RATES

THE FOLLOWING FEES SHALL APPLY ON A PER METER BASIS.

METER SIZE	HOOK UP FEE
5/8 X 3/4"	\$ 750.00
3/4"	900.00
1"	1,500.00
1-1/2"	3,000.00
2"	4,800.00
3"	9,000.00
4"	15,000.00

6"

30,000.00

(c). NONREFUNDABLE.

THE AMOUNTS COLLECTED AS OFF-SITE FACILITIES HOOK UP FEES SHALL BE NON-REFUNDABLE.

G. AGREEMENTS FOR CONSTRUCTION OF WATER FACILITIES AUTHORIZED.

THE DIRECTOR MAY PERMIT THE CONSTRUCTION OF WATER FACILITIES TO PROVIDE WATER SERVICE IN AREAS WHERE NO WATER SERVICE IS AVAILABLE. CONSTRUCTION MAY BE ACCOMPLISHED BY THE APPLICANT'S CONTRACTOR (PRIVATE CONTRACT).

(1) THE DIRECTOR IS AUTHORIZED TO PERMIT CONSTRUCTION OF WATER FACILITIES BY PRIVATE CONTRACT UPON WRITTEN APPLICATION. AGREEMENTS FOR CONSTRUCTION OF WATER FACILITIES SHALL PROVIDE THAT ALL COSTS ARE AT THE SOLE EXPENSE OF THE APPLICANT EXCEPT AS NOTED IN THE AGREEMENT.

(a) THE FACILITIES WILL BE CONSTRUCTED, AT THE SOLE EXPENSE AND COST OF THE APPLICANT, WITHIN STREETS, AVENUES, ALLEYS AND RIGHTS-OF-WAY PURSUANT TO GRANTS OF EASEMENTS.

(b). PLANS FOR CONSTRUCTION WILL BE PROVIDED BY THE APPLICANT, CERTIFIED BY A REGISTERED PROFESSIONAL ENGINEER, AND REVIEWED AND ACCEPTED BY THE DIRECTOR OR HIS DESIGNEE.

(c). WITH EACH APPLICATION FOR THE CONSTRUCTION OF WATER FACILITIES AUTHORIZED BY THIS SECTION, THE APPLICANT SHALL EXECUTE AND DELIVER TO THE DIRECTOR, AN AGREEMENT FOR THE CONSTRUCTION THEREOF BY PRIVATE CONTRACT. IF THE AGREEMENT CONFORMS WITH THE PROVISIONS OF THIS CHAPTER, THE DIRECTOR WILL AUTHORIZE CONSTRUCTION OF THE APPLICANT'S WATER FACILITIES.

(d). THE CONSTRUCTION OF WATER FACILITIES SO AUTHORIZED WILL BE INSPECTED AND TESTED FOR WATER QUALITY AND WATER PRESSURE BY THE DIRECTOR OR HIS DESIGNEE, AND WILL COMPLY IN EVERY RESPECT WITH THE MATERIAL AND INSTALLATION STANDARD OF THE DEPARTMENT.

(e). THE APPLICANT WILL BE ASSESSED FEES FOR PLAN REVIEW, INSPECTION, AND SYSTEM ISOLATION (FOR CONNECTION OF CONSTRUCTED WATER FACILITIES TO THE EXISTING SYSTEM). PLAN REVIEW FEES WILL BE COLLECTED UPON PLAN SUBMITTAL OR RESUBMITTAL, IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

TABLE INSET:

REVIEW SERVICE		FEE
MASTER PLAN ONLY		
FIRST SUBMITTAL	FIRST SHEET	\$250.00
	EACH SUBSEQUENT SHEET	120.00
EACH RE-SUBMITTAL OF PLAN		130.00
DESIGN REVIEW ONLY		
FIRST SUBMITTAL	FIRST SHEET	365.00
	EACH SUBSEQUENT SHEET	120.00
FIRST RE-SUBMITTAL OF DESIGN	FIRST SHEET	130.00

REVIEW SERVICE		FEE
	EACH SUBSEQUENT SHEET	60.00
EACH SUBSEQUENT RE-SUBMITTAL OF DESIGN		150.00
MASTER PLAN AND DESIGN REVIEW		
FIRST SUBMITTAL	FIRST SHEET	485.00
	EACH SUBSEQUENT SHEET	235.00
FIRST RE-SUBMITTAL OF MP AND DESIGN	FIRST SHEET	250.00
	EACH SUBSEQUENT SHEET	60.00
EACH SUBSEQUENT RE-SUBMITTAL OF MP & DESIGN		150.00
PLAN REVISION		140.00

(f). CONSTRUCTION INSPECTION FEES WILL BE COLLECTED PRIOR TO THE DIRECTOR'S AUTHORIZATION OF CONSTRUCTION OF APPLICANT'S WATER FACILITY FEES WILL BE CALCULATED AS FOLLOWS:

PIPELINE INSPECTION:

PROJECTS OF 200 LINEAR FEET OR LESS . . . \$345.00

PROJECTS GREATER THAN 200 LINEAR FEET, PER LINEAR FOOT . . . \$5.00

OTHER FACILITY INSPECTION (NON-PIPELINE), PER FACILITY . . . \$4,005.00

SYSTEM ISOLATION FEE, PER PIPELINE PROJECT OR FACILITY . . . \$285.00

(2) THE DIRECTOR MAY REQUIRE AN APPLICANT TO INSTALL "ON-SITE" OR "OFF-SITE" WATER FACILITIES OF A SIZE GREATER THAN IS REQUIRED TO PROVIDE SERVICE TO THE APPLICANT'S DEVELOPMENT; PROVIDED, HOWEVER, THAT THE DIRECTOR REFUND THE INCREMENTAL COST OF THE OVERSIZING TO THE APPLICANT. THE REFUND AMOUNT FOR OVERSIZED PIPELINES AND VALVES SHALL BE ESTABLISHED BY AGREEMENT BETWEEN THE APPLICANT AND THE TOWN. WHERE FIELD CONDITIONS REQUIRE EXTRAORDINARY COSTS, THE DIRECTOR MAY REIMBURSE A SHARE PROPORTIONATE TO THE OVERSIZING REQUIRED BY THE TOWN. IN THESE SITUATIONS THE APPLICANT SHALL PROVIDE DOCUMENTATION OF ACTUAL COSTS INCURRED.

(4) EVERY NONPARTICIPATING APPLICANT FOR A CONNECTION TO A WATER MAIN INSTALLED SHALL BE ASSESSED A FEE DESIGNED TO RECOVER A PRO RATA SHARE OF THE INITIAL CAPITAL COST OF THE:

(a). MINIMUM SIZE DISTRIBUTION MAIN INSTALLATION. THE FEE SHALL BE BASED ON THE LINEAL FOOT FRONTAGE OF THE SUBDIVISION, LOT OR PARCEL TO BE SERVED, AS MEASURED ALONG THE STREET, ALLEY OR EASEMENT RIGHT-OF-WAY LINE TO WHICH THE CONNECTION WILL BE INSTALLED. IN ADDITION, THE APPLICANT SHALL PAY A PROTECTED MAIN SERVICE FEE OF SEVENTY DOLLARS (\$70.00), SUCH FEE RECOVERING THE COSTS OF ADMINISTERING THE PROTECTED MAIN PROGRAM.

(b). WATER FACILITIES OTHER THAN DISTRIBUTION MAINS. THE FEE SHALL BE CALCULATED AND BASED UPON THE PERCENTAGE OF NON PARTICIPANT'S ACREAGE OR SERVICE CONNECTIONS TO THE TOTAL ANTICIPATED SERVICE AREA

ACREAGE OR NUMBER OF SERVICES POSSIBLE TO BE SERVED BY THE FACILITY AND FACTORED AGAINST THE TOTAL COST OF THE FACILITY'S CONSTRUCTION. IN ADDITION, THE APPLICANT SHALL PAY A PROTECTED FACILITY SERVICE FEE OF SEVENTY DOLLARS (\$70.00) SUCH FEE RECOVERING THE COSTS OF ADMINISTERING THE PROTECTED FACILITY PROGRAM.

H. PROVISIONS FOR REFUND OF COST OF WATER MAINS OR WATER FACILITIES INSTALLED BY PRIVATE CONTRACT UNDER CERTAIN CONDITIONS AUTHORIZED.

SHOULD WATER FACILITIES INSTALLED PURSUANT TO SECTION 52.001F BE INSTALLED IN SUCH A MANNER AS TO PROVIDE WATER SERVICE TO A PROPERTY NOT PARTICIPATING IN THE CONSTRUCTION COST, THE DIRECTOR MAY ENTER INTO AN AGREEMENT FOR PARTIAL REFUND OF THE COST OF THE FACILITIES SO INSTALLED.

(1) IN NO CASE WILL THE AGREED REFUND AMOUNT EXCEED THE TOTAL FUNDS TO BE COLLECTED AS AUTHORIZED IN SECTION 52.001F.

(2) SUCH REFUNDS SHALL CONTINUE FOR A MAXIMUM PERIOD OF FIFTEEN (15) YEARS FROM THE DATE OF THE AGREEMENT. ANY BALANCES REMAINING UNPAID SHALL BE CONSIDERED CANCELED, AND THE CITY SHALL BE FULLY DISCHARGED FROM ANY FURTHER OBLIGATION UNDER THE AGREEMENT.

I. PROVISIONS FOR REFUND OF COST OF WATER MAINS OR FACILITIES FUNDED AND INSTALLED BY THE CITY UNDER CERTAIN CONDITIONS AUTHORIZED.

SHOULD WATER MAINS OR WATER FACILITIES INSTALLED AND FUNDED BY THE CITY TO PROVIDE WATER SERVICE TO A PROPERTY NOT PARTICIPATING IN THE CONSTRUCTION COST, THE DIRECTOR MAY DESIGNATE THE WATER MAIN OR WATER FACILITY AS "CITY PROTECTED" AND COLLECT A PROTECTED MAIN FEE OR A PROTECTED FACILITY FEE AND SERVICE FEE PURSUANT TO SECTION 52.001F.

J. SALES TAXES AND IN-LIEU-OF FRANCHISE TAXES.

ALL APPLICABLE SALES TAXES AND IN-LIEU-OF FRANCHISE TAXES ARE TO BE ADDED ON ALL WATER SALES IN ALL AREAS.

K. TEMPORARY SERVICES AUTHORIZED; CONDITIONS; RATES.

FOR TEMPORARY SERVICES TO CIRCUSES, FAIRS, CAMPS AND CONSTRUCTION WORKS, ETC., THE TEMPORARY NATURE OR LIMITED DURATION OF WHICH ENTERPRISE IS KNOWN IN ADVANCE, AND ALSO TO OPERATIONS OF A SPECULATIVE EXPLORATORY CHARACTER OR OF A DOUBTFUL PERMANENCE, THE TOWN WILL, IF IN THE OPINION OF THE SUPERINTENDENT OF THE WATER DEPARTMENT THE FURNISHING OF SUCH SERVICE WILL NOT WORK AN UNDUE HARDSHIP UPON IT OR ITS THEN EXISTING CONSUMERS, FURNISH SUCH TEMPORARY SERVICE UNDER THE FOLLOWING CONDITIONS:

(1). THE APPLICANT FOR SUCH TEMPORARY SERVICE SHALL BE REQUIRED TO PAY TO THE TOWN THE COST OF INSTALLING AND REMOVING ANY FACILITIES NECESSARY IN CONNECTION WITH THE FURNISHING OF SUCH SERVICE BY THE TOWN.

(2). EACH APPLICANT FOR TEMPORARY SERVICE MAY BE REQUIRED TO DEPOSIT WITH THE TOWN A SUM OF MONEY EQUAL TO THE ESTIMATED AMOUNT OF THE TOWN'S CHARGES FOR SUCH SERVICE, OR TO SECURE OTHERWISE, IN A MANNER SATISFACTORY TO THE TOWN, THE PAYMENT OF ANY BILLS WHICH MAY ACCRUE BY REASON OF SUCH SERVICE SO FURNISHED OR SUPPLIED.

(3). NOTHING IN THIS SECTION SHALL BE CONSTRUED AS LIMITING OR IN ANY WAY AFFECTING THE RIGHT OF THE TOWN TO COLLECT FROM THE CONSUMER ANY

OTHER OR ADDITIONAL SUM OF MONEY WHICH MAY BECOME DUE AND PAYABLE TO THE TOWN FROM THE CONSUMER BY REASON OF THE TEMPORARY SERVICE FURNISHED OR TO BE FURNISHED HEREUNDER.

(4). ACTUAL WATER USED SHALL BE CHARGED FOR AT THE ABOVE RATE.

L. CHARGE WHEN METER NOT REGISTERING PROPERLY.

IN THE EVENT ANY WATER METER HAS FAILED TO REGISTER THE WATER USED, THE CHARGE FOR WATER SERVICE SHALL BE BASED ON THE AVERAGE CONSUMPTION FOR THE PREVIOUS THREE (3) MONTHS, OR THE SAME AMOUNT AS WAS USED IN THE SAME MONTH OR PERIOD FOR THE YEAR PRECEDING, WHICHEVER IS THE LOWER AMOUNT.

M. BACKFLOW PREVENTION

IN COMPLIANCE WITH THE RULES AND REGULATIONS OF THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY RELATING TO BACKFLOW PREVENTION (A.A.C. R18-4-115):

(1) THE TOWN MAY REQUIRE A CUSTOMER TO PAY FOR AND INSTALL, MAINTAIN, TEST AND REPAIR A BACKFLOW-PREVENTION ASSEMBLY IF

A.A.C. R18-4-115 B. OR C. APPLIES.

(2) A BACKFLOW-PREVENTION ASSEMBLY REQUIRED TO BE INSTALLED BY THE CUSTOMER UNDER THIS ORDINANCE SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN A.A.C. R18-4-115 D. AND E.

(3) THE TOWN SHALL GIVE ANY CUSTOMER WHO IS REQUIRED TO INSTALL AND/OR TEST A BACKFLOW-PREVENTION ASSEMBLY WRITTEN NOTICE OF SAID REQUIREMENT. THE CUSTOMER SHALL BE GIVEN THIRTY (30) DAYS IN WHICH TO COMPLY WITH THIS NOTICE.

(4) TESTING SHALL BE IN CONFORMANCE WITH THE REQUIREMENTS OF A.A.C. R18-4-115 F.

(5) THE CUSTOMER SHALL PROVIDE THE TOWN WITH RECORDS OF INSTALLATION AND TESTING. FOR EACH BACKFLOW ASSEMBLY, THESE RECORDS SHALL INCLUDE:

(a) ASSEMBLY IDENTIFICATION NUMBER AND DESCRIPTION;

(b) LOCATION;

(c) DATE(S) OF TEST(S);

(d) DESCRIPTION OF REPAIRS MADE BY TESTER; AND

(e) TESTER'S NAME AND CERTIFICATE NUMBER.

(6) IF THE BACKFLOW-PREVENTION ASSEMBLY HAS NOT BEEN INSTALLED OR FAILS ANY TEST, THE ASSEMBLY SHALL BE INSTALLED AND/OR REPAIRED BY THE CUSTOMER AND TESTED WITHIN FOURTEEN (14) DAYS OF WRITTEN NOTICE BY THE TOWN. FAILURE TO INSTALL OR TO REMEDY THE DEFICIENCY OR DISFUNCTION OF THE ASSEMBLY, OR FAILURE TO RETEST, SHALL BE GROUNDS FOR TERMINATION OF WATER UTILITY SERVICE.

Section 3. SECTION 52.002 CITIZENS WATER ADVISORY COMMITTEE.

A. CREATION.

THERE IS HEREBY ESTABLISHED AN PERMANENT ENTITY TO BE CALLED "THE CITIZENS' WATER ADVISORY COMMITTEE TO THE TOWN OF CAVE CREEK".

B. FUNCTIONS AND PURPOSES.

THE FUNCTIONS, PURPOSES, POWERS AND DUTIES OF THE COMMITTEE SHALL BE TO:

- (1) ACT AS THE OFFICIAL ADVISORY BODY ON WATER CAPITAL IMPROVEMENT PROGRAM PLANNING AND RATE STRUCTURE FORMULATION TO TOWN GOVERNMENT;
- (2) ANNUALLY REVIEW THE PROPOSED WATER SYSTEM CAPITAL IMPROVEMENT PROGRAM, AND RECOMMEND TO THE GOVERNING BODY AN ANNUAL AND A SIX-YEAR CAPITAL BUDGET;
- (3) ANNUALLY REVIEW THE WATER REVENUE REQUIREMENTS OF THE WATER SYSTEM AND RECOMMEND TO THE GOVERNING BODY RATE AND FEE ADJUSTMENTS AS REQUIRED; PROMOTE THE CONCERNS OF THE TOWN'S WATER CUSTOMERS BY ENSURING THAT RECOMMENDED WATER RATE ADJUSTMENTS ARE JUST AND REASONABLE, CONSISTENT WITH ADOPTED MAYOR AND COUNCIL PLANS AND POLICIES; AND ENSURE THAT THE WATER SYSTEM DELIVERS SAFE, HIGH-QUALITY WATER TO ALL ITS CUSTOMERS.
- (4) REVIEW AND REPORT TO THE GOVERNING BODY ON THE LONG-TERM (TWENTY (20) TO THIRTY (30) YEARS) WATER SOURCE AND CAPITAL NEEDS OF THE WATER SYSTEM, UTILIZING STAFF OF THE WATER UTILITY AND OTHER SOURCES FOR THE INFORMATION NECESSARY FOR SUCH REVIEW;
- (5) CONSULT WITH THE TOWN ENGINEER, THE MANAGER AND GOVERNING BODY FROM TIME-TO-TIME AS MAY BE REQUIRED BY THE MANAGER AND MAYOR AND COUNCIL RELATIVE TO WATER RESOURCE DEVELOPMENT NEEDS;
- (6) ANNUALLY REVIEW THE TOWN'S WATER RESOURCES PLANS AND RECOMMEND REVISIONS THERETO TO THE GOVERNING BODY AS REQUIRED;
- (H) REVIEW OR MAKE RECOMMENDATIONS ON POLICIES AFFECTING THOSE WATER ISSUES WHICH THE COMMITTEE DEEMS APPROPRIATE.

C. MEMBERSHIP COMPOSITION, TERMS AND QUALIFICATIONS.

- (1) **APPOINTMENT.** THE CITIZENS' WATER ADVISORY COMMITTEE SHALL BE COMPOSED OF TEN (10) MEMBERS EACH OF WHOM SHALL BE A CUSTOMER OF THE TOWN'S WATER UTILITY, AS EITHER A RESIDENTIAL USER OR OWNING AN ENTERPRISE USING TOWN WATER, AND SHALL SERVE WITHOUT COMPENSATION. FIVE MEMBERS SHALL BE RESIDENTS OF THE TOWN, FOUR MEMBERS SHALL BE RESIDENTS OF THE DESERT HILLS SERVICE AREA, ONE MEMBER SHALL BE A RESIDENT OF CAREFREE.
- (2) **TERM.** THE TERM OF EACH MEMBER WILL BE TWO YEARS. EACH MEMBER WILL SERVE AT THE PLEASURE OF THE MANAGER.
- (3) **SELECTION PROCESS.** THE TOWN MANAGER, UTILIZING THE RESOURCES OF HIS OFFICE, SHALL NOMINATE THE TEN MEMBERS FOR FINAL APPROVAL BY THE MAYOR AND COUNCIL. IT IS SUGGESTED THAT, TO THE DEGREE FEASIBLE, APPOINTED MEMBERS HAVE PROFESSIONAL OR TECHNICAL COMPETENCE IN ONE (1) OF THE FOLLOWING AREAS:
 - (A) UTILITY RATE MAKING;
 - (B) WATER RESOURCE PLANNING;
 - (C) BUSINESS MANAGEMENT;
 - (D) ACCOUNTING;
 - (E) FINANCIAL ANALYSIS;
 - (F) PUBLIC HEALTH;
 - (G) WATER SYSTEM ENGINEERING;
 - (H) RESOURCE ECONOMICS;
 - (I) HYDROLOGY;
 - (J) LANDSCAPE ARCHITECTURE;
 - (K) WATER LAW.

D. COMMITTEE ORGANIZATION.

THE CITIZENS' WATER ADVISORY COMMITTEE CHAIRPERSON AND A VICE-CHAIRPERSON SHALL BE SELECTED BY A MAJORITY OF THE COMMITTEE MEMBERS ANNUALLY ON THE SECOND MONDAY OF DECEMBER, AND SHALL MEET AT SUCH TIMES AND

PLACES WITHIN THE TOWN'S WATER SERVICE AREA AS DETERMINED BY THE COMMITTEE. MEETINGS WILL BE OPEN TO THE PUBLIC. SEVEN MEMBERS SHALL CONSTITUTE A QUORUM FOR MEETING.

E. COMMITTEE REPORTS.

THE CITIZENS' WATER ADVISORY COMMITTEE SHALL RENDER TO THE MANAGER AND THE MAYOR AND COUNCIL AN ANNUAL REPORT ON OR BEFORE MARCH 1 AND SEND ADDITIONAL REPORTS AND RECOMMENDATIONS AS IT DETERMINES, OR AS REQUESTED BY THE MAYOR AND COUNCIL. MINUTES OF THE COMMITTEE SHALL BE FILED WITH THE TOWN CLERK.

F. LIMITATION OF POWERS.

NEITHER THE CITIZENS' WATER ADVISORY COMMITTEE NOR ANY MEMBER MAY INCUR CITY EXPENSES WITHOUT PRIOR AUTHORIZATION OF THE MAYOR AND COUNCIL, NOR MAY IT OBLIGATE THE TOWN IN ANY MANNER OR FORM.

Section 4. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason held to be invalid or unconstitutional by the decisions of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

Section 5. EMERGENCY CLAUSE

The immediate operation of the provision of this Ordinance is necessary for the preservation of the public health, safety and welfare of the community and for the proper and efficient operation of the water utility system; an emergency is hereby declared to exist and this Ordinance will be in full force and effect from and after its passage and adoption by the Mayor and Council.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Cave Creek, Arizona this 21st day of May, 2007.

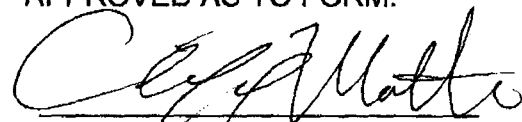
FOR THE TOWN OF CAVE CREEK:


Vincent Francia, Mayor

ATTEST TO:


FOR Carrie Dyrek, Town Clerk

APPROVED AS TO FORM:


Clifford L. Matice, Town Attorney



SETTLED 1870 · INCORPORATED 1986

NOTICE OF DECISION
of
CAVE CREEK TOWN COUNCIL
June 18, 2007

REQUEST: A request by the Town Manager of the Town of Cave Creek to appoint members to the Citizen Water Advisory Committee upon the Town Manager's nomination.

NOMINEES: CAREFREE (ONE)
 Evelyn Johnson
 CAVE CREEK (FIVE)
 Ted Bryda
 Shelley Anderson
 Reg Monachino
 Glenn Fahringer
 Dan Baxley
 DESERT HILLS (FOUR)
 Rich Miller
 Barbara Sena
 Jacki Jobe
 Thad Baird
 ALTERNATES
 Bob Small
 Michael Hogan
 Brian Moore

DECISION OF COUNCIL

Motion by Mceth, Seconded by McGuire to appoint the members to the Citizen Water Advisory Committee as nominated by the Town Manager. Mceth read the names of the appointed individuals for the record. M/C 7-0 BY VOICE VOTE with all Council members present.

CARRIE A. DYREK, Town Clerk

/cad

T:\Town Clerk\Miscellaneous\Citizens Water Advisory Committee Membership-NOD June 18 2007.doc

37622 NORTH CAVE CREEK ROAD ★ CAVE CREEK, ARIZONA 85331

ADMINISTRATION 480/488-1400
 COURT 480/488-1409
 ENGINEERING 480/595-1935

BUILDING / SAFETY 480/488-1414
 PLANNING & ZONING 480/595-1930
 FAX 480/488-2263

MARSHAL

480/488-6636

Exhibit G to Certificate
 of Carrie Dyrek -
 Notice of Decision

CITIZENS WATER ADVISORY COMMITTEE - POTENTIAL MEMBERS

Carefree (choose ONE)

Evelyn Johnson

Cave Creek (choose FIVE)

- Ted Bryda
- Shelley Anderson
- Reg Monachino
- Glenn Fahringer
- Dr. Dan Baxley

Desert Hills (choose FOUR)

- ** (1) Rich Miller - 38230 N. 1st Street (Grade 4 w/ADEQ; Grade 3 w/Water Treatment; 15 yrs w/Phx Water Dept.)
- ** (2) Barbara Sena - 820 E. Restln Rd (Budget Director for Queen Creek; Budget Officer @ UNLV; works w/State Legislature)
- ** (3) Jacki Jobe - 33211 N. 12th Street (27 years banking management experience- presently local bank mgr)
- ** (4) Thad Baird - 36638 N. 16th Street (Pres-Illinois Fire Board; 23 yrs firefighter; numerous boards)

CD

- ** (Alt) Bob Small - 37616 N. 18th Place (Arid landscaper; working with Botanical Gardens)
- ** (Alt) Michael Hogan - 36243 N. 10th Street (18 yrs in area; MA in Education; managed horse farms)
- ** (Alt) Brian Moore - 522 E. Desert Ranch Road (Phoenix Fire Capt.; Daisy Mtn. Fire Board; United Way Board)